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ment in order to prevent injury to the plaintiff's business by unfair competition. *Apollo Bros. v. Perkins*, 207 Fed. 530. See HOPKINS, TRADE MARKS, 2 ed., § 19. It is immaterial, therefore, whether the deceptive similarity is in the sound or appearance of the name, or in the shape or color of the package. *Welsbach Light Co. v. Adams*, 107 Fed. 463. Moreover, an intent to injure the plaintiff need not be shown ordinarily. See *Singer Machine Mfg. Co. v. Wilson*, L. R. 3 A. C. 376. But the presence of such a fraudulent intent will induce the courts to grant injunctive relief more readily in doubtful cases, as for example, against the use of the defendant's own name to the injury of the plaintiff's business. *International Silver Co. v. Rodgers Bros.*, 136 Fed. 1019. Cf. *Bernhard v. Bernhard*, 156 App. Div. 739, 142 N. Y. Supp. 94. In the principal case, the plaintiff had no property right in the defendants' trademark "P. & M.," the possibility of damage was slight, and there was no colorable imitation with intent to take advantage of the plaintiff's good will. Cf. *International Silver Co. v. Rodgers Bros*, *supra*. Balancing all considerations, therefore, in the absence of fraud the resemblance did not seem deceptive enough to justify an injunction.

TRUSTS — POWERS AND OBLIGATIONS OF TRUSTEES — POWER OF COURT TO INTERFERE WITH DISCRETIONARY INVESTMENTS. — Certain funds were given to trustees under a settlement, with power to invest and to vary investments at their discretion among securities of certain classes. The trustees placed some of the funds in a mortgage of leasehold premises on proper valuations. A later valuation revealed depreciation, and the *cestui que trust* on originating summons, without alleging any breach of trust, now asks an inquiry whether the investment should be continued or called in. *Held*, that the inquiry will be granted. *In re D'Epinoix's Settlement*, [1914] 1 Ch. 890.

The extent to which courts will interfere with the discretion of trustees is not definitely settled on the authorities. Of course, if the trustee exercises his discretion fraudulently, or in bad faith, it is clear that the court will step in. *Portland v. Topham*, 11 H. L. Cas. 32. But where the trustee acts with perfect good faith, his discretion will be respected, with certain limitations. Thus it is well settled that courts will not attempt to control a discretion coupled with "uncontrollable authority." *Gisborne v. Gisborne*, L. R. 2 A. C. 300. Nor will they interfere with a simple discretionary power, unconnected with any duty. *In re Courtier*, 34 Ch. D. 136. But if the power or discretion involves a duty, and is meant to be exercised, its execution will be enforced. See *Read v. Patterson*, 44 N. J. Eq. 211, 219; LEWIN, TRUSTS, 12 Eng. ed., p. 766. Such a duty is commonly found in cases where the discretion is construed to cover some merely ministerial act, such as renewing an investment, or in cases where there is a duty to sell or provide maintenance, with discretion as to the time and manner. *Mortimer v. Watts*, 14 Beav. 616; *Re Burrage*, 62 L. T. R. 752; *Ransome v. Burgess*, L. R. 3 Eq. 773. The principal case illustrates a tendency to extend the power of the courts to control discretion, and the decision is to be sustained because of the trustee's duty to the beneficiaries to exercise sound judgment concerning investments, in spite of the discretion vested in him.

TRUSTS — RESULTING TRUSTS — DISTRIBUTION AMONG SUBSCRIBERS TO A FUND RAISED BY SUBSCRIPTION. — An unexpended balance of the fund raised for the relief of Balkan War sufferers was left in the hands of the British Red Cross Society at the termination of the war. An originating summons was issued to determine whether it should be divided among the subscribers in proportion to their subscriptions, or whether the last subscribers should be paid in full. *Held*, that it should be divided among all the subscribers in